

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 14, 2012

To: The Honorable Gil Keith-Agaran, Chair,
The Honorable Karl Rhoads, Vice Chair, and
Members of the House Committee on the Judiciary

Date: Tuesday, February 14, 2012
Time: 2:05 p.m.
Place: Conference Room 325, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

RE: HB1995 HD1 RELATING TO LABOR

I. OVERVIEW OF PROPOSED LEGISLATION

HB1995 requires DLIR to make available for certain establishments a poster that provides specific information about human trafficking, including the National Human Trafficking Resource Center hotline, and establishes penalties for violations of the posting requirement.

DLIR is supportive of efforts to combat human trafficking, however, the department feels it is not the appropriate agency to develop and disseminate posters as required in the measure—currently the department only makes required labor law posters available. DLIR is supportive of adding a poster as described in the measure for employers in the same manner as required in other labor law sections of the Hawaii Revised Statutes (HRS)

II. CURRENT LAW

Various sections of the HRS require employers to post labor law information in their establishments where employees work in conspicuous places so employees may readily observe the information. The labor law postings are not usually near the entrance or where other posters or notices are customarily posted for the public.

DLIR does not provide posters unrelated to employment.

III. COMMENTS ON THE HOUSE BILL

The department notes that the measure does not contain an appropriation for the costs of developing the posters in the languages currently required under the Voting Rights Act (P.L. No. 89-110). If the department is required to develop posters in Chinese, Korean, Ilocano and Japanese, then the department requests consideration of funds to do so. Moreover, if the intent of this measure includes reaching the victims of human trafficking, who most often speak languages other than the ones required in the bill, then the department questions using the criteria contained in the Voting Rights Act.

The department questions whether the fines contained in this measure are commensurate with the failure to abide by a posting requirement. Some labor law posting requirements entail sanctions for violations including fines, others do not include sanctions. Some DLIR programs offer information via postings without a statutory requirement. The department also notes that there is no appropriation for enforcement of the new section.

DLIR notes that currently, due to budget constraints, the department mostly makes posters available via its public website for employers and employees to print or view and supports making a poster available to employers in that same manner as prescribed in the measure.

In summary, DLIR is supportive of adding a poster as described in the measure for employers only, in the same manner as required in other labor law sections of the Hawaii Revised Statutes (HRS).

TESTIMONY

Harm Reduction Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822

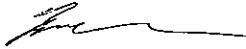
To the House Committee on Judiciary
Regarding HB 1995 HD1 relating to posting of notices and fines
To be heard Tuesday February 14 at 2:05 PM conference room 325.

Dear Committee Members:

Oppose this measure or remove the absurd fine please. There has been no pilot program wherein the State has attempted to identify all potential sites where such information should be posted. Most of the establishments will be taken by surprise and threatened with \$10,000 fines.

If this idea is so great than why not print the posters and send them out to all the establishments that the State believes should be posting them. Of course that would entail showing members of the community some respect which hardly seems to be the mission of the proponents of this bill. Why is this small group of alleged experts pushing this being catered to?

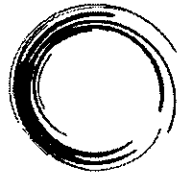
Sincerely:



Tracy Ryan
Executive Director, Harm Reduction Hawaii

(808) 534-1846

tracyar@hawaiiantel.net



POLARIS PROJECT

FOR A WORLD WITHOUT SLAVERY

TESTIMONY IN SUPPORT OF HB 1995 PRESENTED TO THE JUDICIARY COMMITTEE FEBRUARY 14, 2012

Mr. Chairman and members of the Judiciary Committee:

On behalf of the more than 40,000 supporters of Polaris Project thank you for providing us with an opportunity to speak about the crime of human trafficking. My name is James Dold and I serve as Policy Counsel for Polaris Project.

Polaris Project is a leading national organization dedicated to combating human trafficking within the United States by serving victims, raising public awareness, and engaging in policy advocacy at both the State and Federal level. We have been selected by the U.S. Department of Health and Human Services to be its training and technical assistance provider and have operated the National Human Trafficking Resource Center and Hotline since December 2007. During this time our human trafficking call specialists have fielded over 45,000 calls from across the nation. We have also provided victim services to more than 450 survivors of human trafficking since 2004 in our D.C. and New Jersey client service offices.

I would like to take a moment to specifically thank Representative Awana for introducing HB 1995. We greatly appreciate the Hawaii Legislature's concern for and willingness to address the crime of human trafficking, a grave violation of human rights.

Human Trafficking National and Global Perspective

Human trafficking is the modern-day slavery, and it is one of the fastest growing criminal industries in the world, consisting of the subjugation, recruitment, harboring, or transportation of people for the purpose of forced labor or services or commercial sexual exploitation. Victims of human trafficking in the United States include children and adults, as well as foreign nationals and U.S. citizens.

The United States Government estimates that between 600,000 to 800,000 people are trafficked across international borders for forced labor and sexual servitude each year, 70 percent of whom are women and over 50 percent are children. This does not include those trafficked within their own countries, which is as high as 2 to 4 million

persons. Of those trafficked across international borders, up to over 60,000 individuals at a minimum are trafficked into the United States each year. These numbers suggest that the actual figure for the scope of human trafficking is much higher. Experts also estimate that between 100,000 to 300,000 American children are at high risk of being trafficked within the United States for sexual exploitation each year. The State Department estimates that there are roughly 12.3 million slaves in the world today, more than at any other time in the history of the world. Another estimate, by renowned human trafficking expert Kevin Bales, puts the total number of people trapped in modern-day slavery at an estimated 27 million. Most victims suffer a horrific life in which they are repeatedly beaten, raped, starved, chained or locked up, and psychologically tortured. For many, the only way of leaving is by means of escape, rescue, suicide, or murder.

There have been trafficking investigations in all 50 States and incidence of trafficking have been reported in 91 U.S. cities. Human trafficking is a crime that thrives in secrecy and is feed by the insatiable greed of those who see human beings as a commodity to be profited off of. Globally, human trafficking generates over \$32 billion in annual revenue.

In the United States, the crime of human trafficking is so profitable that in recent years we have seen the emergence of organized criminal syndicates and street level gangs implicated in sex trafficking rings. I cannot impress upon members of the Human Services Committee enough, that human trafficking is alive and well in the United States and it affects every corner of our nation. It is also prevalent in Hawaii.

Human Trafficking in Hawaii

Every day we receive calls through the National Human Trafficking Resource Center referencing situations where women and young children are subjected to violence, coercion, and fraud in order for their pimps or traffickers to profit. While we do not know how many victims there are in Hawaii, we do know that the National Hotline has received calls referencing trafficking situations in cities throughout the state of Hawaii. Some of these calls were classified as crisis calls and tips that human trafficking was occurring in different cities, including Honolulu, Hilo, and Wakiki Beach.

In 2011, the National Hotline received 67 calls from Hawaii. Twelve of those calls were crisis calls (calls that came from victims or service providers working with victims) and another ten calls were classified as tips from community members. These numbers give us a brief window into the scope of the problem in the state of Hawaii. Because most victims don't have access to the hotline or even know that it exists, the number of potential victims in Hawaii is probably quite higher.

Human trafficking is a scourge that preys on the most vulnerable among us and exploits those who are in need of protection. And while it may be easy at times to pretend that human trafficking is not a crime that affects every day Americans, I can tell you with absolute certainty that it does. It is a crime of absolute evil.

HB 1995

HB 1995 would require certain establishments to post the National Human Trafficking Resource hotline. This bill would provide the greatest tool for victims to be able to escape their trafficking situation and for members of the public to report tips. In short, this bill will literally save lives.

In 2007, the Texas legislature passed similar legislation mandating the posting of the national hotline in all establishments that have a liquor license. Texas now tops the list of states we receive the greatest number of calls from and as a result we are able to successfully send tips to law enforcement and connect victims with service providers (a total of 3,500 nationwide). In all calls that came from Texas from December 2007 through December 2011, we know how the caller learned of the hotline in 57.5% of cases. In those cases where we knew how the caller learned of the hotline 17.5% or 409 callers learned of the hotline through posters. What is interesting to note here is that in most states the majority of callers learn of the hotline online. In Texas, however, most callers, where we can identify how they learned of the hotline, learned of it through posters.

Although we don't categorize posters in our database specifically to the requirements of the Texas law, some of our cases include notes from call specialists which specify where the caller actually saw the hotline. For instance, in some of the calls referencing posters, the call specialist indicated the caller learned of the hotline "at a club he worked at," "at a bar he was at," etc. So while we can't declare with 100% accuracy that the 409 calls referencing that the person learned of the hotline through a "Poster" was a direct result of mandatory posting, I think we can say that a sizable portion of identifiable calls received in Texas probably were.

What this data suggests is that the Hotline Posting laws work and can have a tangible impact in successfully identifying victims of trafficking and allowing victims to escape their trafficking situations. All of the establishments currently listed in HB 1995 are places where trafficking victims are likely to come into contact with the poster and will have the greatest impact on their successful rescue.

Support HB 1995

Therefore, we strongly ask you and other members of the Committees to vote favorably upon HB1995 and give victims a fighting chance to reach out for help. This bill will literally save lives. If you should have any questions, please feel free to call me at (202) 745-1001, ext. 132. Mahalo.

-James L. Dold, J.D.
February 13, 2012



THE PACIFIC ALLIANCE
TO STOP SLAVERY

DATE: February 13, 2012

ATTN: COMMITTEE ON JUDICIARY

COMMITTEE ON HUMAN SERVICES

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Rep. Tom Brower

Rep. Angus L.K. McKelvey

Rep. Rida T.R. Cabanilla

Rep. Joseph M. Souki

Rep. Mele Carroll

Rep. Clift Tsuji

Rep. Denny Coffman

Rep. George R. Fontaine

Rep. Robert N. Herkes

Rep. Barbara C. Marumoto

Rep. Ken Ito

Rep. Cynthia Thielen

DATE: Tuesday, February 14, 2012

TIME: 2:05p.m.

PLACE: Conference Room 325, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN SUPPORT OF **HB 1995** - RELATING TO LABOR

Requires establishments to post in a conspicuous place a poster that provides specified information relating to human trafficking and the National Human Trafficking Resource Center hotline. Defines "establishment". Establishes penalties for violations of the poster requirement.

Dear Committees on Human Services and Labor & Public Employment:

The Pacific Alliance to Stop Slavery (PASS) is in strong support of this bill. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

The Human Trafficking Resource Center and Hotline managed by the Polaris Project is one of the ways in which victims in servitude, community members wishing to report a crime, or individuals wanting to receive more resource information may call 24-hours a day to receive the



PACIFIC ALLIANCE
TO STOP SLAVERY

help they need. Requiring establishments to post the hotline in clear view would help to get assistance to those who need it the most.

The hotline poster is already designed and available for free on this website:

http://www.polarisproject.org/index.php?option=com_content&view=article&id=60&Itemid=73

A sample of the poster is included with this testimony. Costs would be minimal, only pertaining to the value of the sheet of paper it is printed on. The poster is also translated into 10 different languages aside from English.

Furthermore, from 2007 to 2010, the National Hotline received 75 calls from Hawaii. In 2011 that total jumped to 67 calls for that year alone, almost the same total amount than the previous 3 years combined. With more visibility, due to the passage of this legislation, we expect a significant increase in hotline calls.

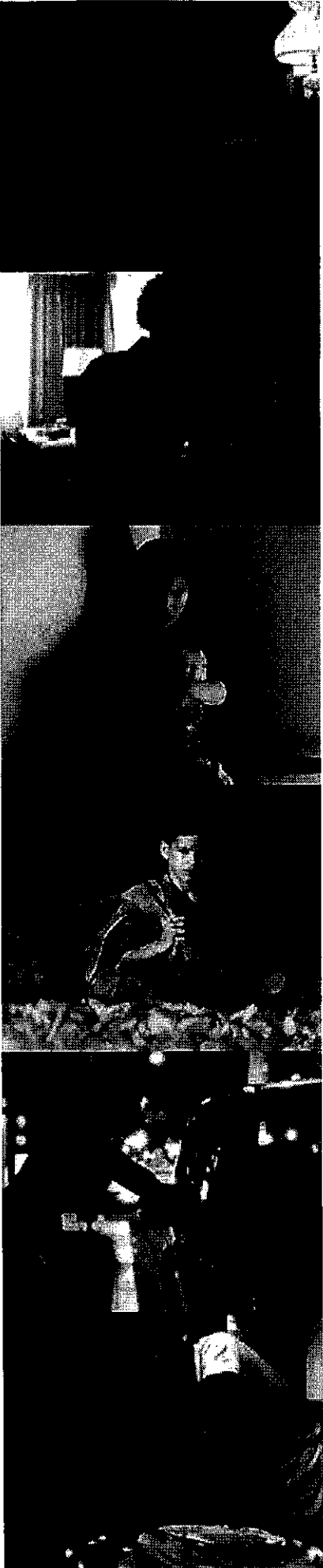
We are also aware that the Imua Alliance recommends the following amendments and PASS is in full support of these proposed changes:

"...we urge your committees to consider amending this bill in the following ways. First, we encourage you to add strip clubs and massage parlors to the list of establishments enumerated in Section 1, subsection (b), since these places are common trafficking destinations and common business foils for houses of prostitution that have been investigated, in recent years, for sex trafficking and corresponding crimes. Second, we entreat you to clarify the penalty provision outlined in Section 1, subsection (e) by revising it to read: 'Any establishment or any agent, employee or representative thereof, who willfully and knowingly fails, neglects or refuses to perform any act required by this section shall be fined not more than \$10,000 for each separate offense. Each date of violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action,' thereby applying the provisions of this bill to both businesses and their affiliated personnel."

Thank you very much for hearing this much needed legislation.

Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery



Human trafficking is modern-day slavery,
and it's happening right here in the United States.

National Human Trafficking Resource Center (NHTRC)

1-888-3737-888

email: NHTRC@PolarisProject.org

TOLL-FREE | 24 Hours/day, 7 Days/week

Confidential | Interpreters available

WHO ARE THE VICTIMS?

Victims are forced to provide labor or commercial sex, and can be:

- U.S. citizens or foreign nationals
- Men, women, or children

WHERE DOES HUMAN TRAFFICKING HAPPEN?

Human trafficking can happen in many situations, including in:

- Commercial sex industry (street prostitution, strip clubs, massage parlors, escort services, brothels, internet)
- Factories (industrial, garment, meat-packing)
- Farms, landscaping, or construction
- Peddling rings, begging rings, or magazine crews
- Private homes (housekeepers, nannies, or servile marriages)
- Restaurants, bars, and other service industries (nail or hair salons)

Call to report a potential case, get information or resources,
request training or technical assistance, or receive referrals.

FOR MORE INFORMATION: www.TraffickingResourceCenter.org

This publication was made possible in part through Grant Number 90XRo032/02 from the Anti-Trafficking in Persons Division, Office of Refugee Resettlement, U.S. Department of Health and Human Services (HHS). Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Anti-Trafficking in Persons Division, Office of Refugee Resettlement, or HHS.

Testimony for HB1995 on 2/14/2012 2:05:00 PM

Testimony for HB1995 on 2/14/2012 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 13, 2012 1:28 PM

To: JUDtestimony

Cc: tanalee08@yahoo.com

Testimony for JUD 2/14/2012 2:05:00 PM HB1995

Conference room: 325

Testifier position: Support

Testifier will be present: Yes

Submitted by: Tana-Lee Rebhan-Kang

Organization: Individual

E-mail: tanalee08@yahoo.com

Submitted on: 2/13/2012

Comments:

I wholeheartedly support HB1995 SD1, but would like to see the list of establishments include schools and universities; and I hope that "SECTION 3. This Act shall take effect on July 1, 2050" is a typo and will be changed to a much earlier date (either July 1, 2012 or January 1, 2013).

Testimony for HB1995 on 2/14/2012 2:05:00 PM

Testimony for HB1995 on 2/14/2012 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 13, 2012 7:16 PM

To: JUDtestimony

Cc: breaking-the-silence@hotmail.com

Testimony for JUD 2/14/2012 2:05:00 PM HB1995

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Dara Carlin, M.A.

Organization: Individual

E-mail: breaking-the-silence@hotmail.com

Submitted on: 2/13/2012

Comments:

Good Afternoon Representatives and thank you for this opportunity to provide testimony in strong support of this measure.

No one will know that help's available or that their abuse has a name if it's not put out there. Also please bear in-mind that traffickers target HIGH SCHOOL populations which is why this is such a crucial piece of legislation.

Thank you for your time and consideration.

Respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate